

A Guide to Tree Works

Application Procedures



What are Tree Preservation Orders and Conservation Areas?

The Council has powers to make Tree Preservation Orders to protect trees in the interests of public amenity. Such Orders are not intended to prevent reasonable works being carried out to trees, but are designed to give the Council an element of control over works which might detract from the landscape and the public's enjoyment of the local environment. Conservation Areas are designated areas of historical and architectural interest - usually centred around towns and villages - where restrictions on tree works apply.

When is an Application Needed?

An application is needed to carry out any works to trees which are protected by Tree Preservation Orders. The written consent of the Council must be obtained before any works proceed. There are certain exemptions to this general rule, such as where trees are considered by the Council to be dead, dying or dangerous.

Also, where trees are situated in a Conservation Area and are over 75mm in diameter (or 100mm if the proposed works are to favour other trees), it is necessary to submit a notice of intent to carry out tree works to the Council. The Council must then decide whether to raise no objection to the proposed works or protect the trees with a Tree Preservation Order.

How do I find out whether trees are situated in a Conservation Area or subject to a Tree Preservation Order?

Contact the Planning Department of the Council on 01306 879263. You will be asked for some details about the trees in question, including their location, size and species (if known). The Planning Department will then run a check to see if the trees are situated in a Conservation Area or subject to a Tree Preservation Order and you will be informed by telephone or fax as soon as possible. All such enquiries are dealt with within 5 working days, and in most cases it is possible to respond the same day. In certain cases - particularly where new properties are concerned - there may be conditions attached to a planning permission which require that trees be retained. The Planning Department will be happy to advise on this.

How do I make an application?

Tree works application forms are available from the Council, the same form being used whether the trees are subject to a Tree Preservation Order or situated in a Conservation Area. Four copies of the form should be submitted, along with four copies of a plan indicating the position of the trees in question.

It is necessary to provide an accurate and detailed description of the proposed works and to indicate the extent of any intended pruning. Pruning is often expressed in terms of percentage crown reduction and/or thinning. If other works are proposed, such as crown lifting, pollarding and reduction in length of branches touching buildings, it is important to indicate the extent of these works. The reasons for wanting to carry out tree works need to be provided as fully as possible, and broad statements such as 'in the interests of arboricultural practice' are unlikely to be sufficient. If it is alleged that trees are hazardous or causing damage to property, any supporting evidence should be included with the application.

If it is felt that trees are exempt from the usual requirements of the legislation on the grounds that they are dead, dying or dangerous, it is necessary to give the Council five days' notice of intent to prune or remove such trees (except in a genuine emergency). The Council's Tree Officer will then inspect the trees to ascertain whether they are considered to be exempt. If a tree is removed under this exemption, there is a duty to plant a replacement tree at or near the same place.

The Council maintains a list of local tree contractors (and consultants) which is issued to members of the public on request. Any of the contractors on the list will be happy to advise on appropriate tree works and will be in a position to offer a quotation for any works which the Council has authorised. Most of the contractors will also submit an application to the Council on your behalf for a small fee. You do not have to be the owner of the trees to submit an application, but it is the responsibility of the applicant (or agent if applicable) to ensure that the agreement of the owner is obtained prior to any works proceeding.

How does the Council deal with applications?

The Council has two months to determine applications to carry out works to trees subject to a Tree Preservation Order. When the trees are situated in a Conservation Area and not subject to a Tree Preservation Order, the Council is obliged to issue a decision within six weeks. There is a three week consultation period, during which neighbours and others are notified and given the opportunity to comment on the application. Any letters of representation are taken into account when the application is determined.

The Council's Tree Officer will inspect the trees and submit a report to the Head of Planning, who will make the final decision. In cases where tree felling is involved or where letters of objection are received, the decision is made in consultation with the Chairman of the Development Control and Licensing Committee. Councillors for the Ward in question are also advised and may comment if they wish.

When the application has been determined, a decision notice is sent to the applicant (and the applicant's agent if one is used). Decision notices are normally valid for a period of two years and if consent is granted to carry out works to or fell trees which are subject to a Tree Preservation Order, this will be subject to certain conditions. If consent is granted to prune trees, a condition is used to require that the works be carried out in accordance with the British Standard (BS 3998 1989 Recommendations for Tree Works). Where consent is granted to fell trees, a condition is often employed to ensure that replacement trees are planted.

What criteria do the Council use in determining applications?

The Council has a Local Plan in which the Council's overall policy on trees is stated. This is available for inspection at the Council Offices, the Help Shop in Leatherhead and at Libraries throughout the District. The Council would not usually grant consent for trees which are subject to a Tree Preservation Order to be felled, unless the trees are hazardous or are demonstrably causing damage to property. Where pruning works are concerned, the Council takes into account the effect of such works on the

health and appearance of the trees, and the reasons given for wanting to prune the trees. With regard to broadleaf trees, the Council generally looks more favourably on proposals to reduce or thin the crowns by up to 20% than proposals to carry out more substantial pruning. Recommendations concerning good arboricultural practice given in the British Standard are taken into account when applications and notices are determined, and it is unlikely consent would be granted for works which do not accord with these recommendations.

What happens if I carry out works to a protected tree without permission?

If a tree which is the subject of a Tree Preservation Order or situated in a Conservation Area is felled without the permission of the Council, you could be liable for a fine of up to £20,000 on summary conviction, or an unlimited fine on indictment. If a tree is pruned without permission, you could be fined up to £2,500. If in doubt as to whether or not a tree is protected, be sure to contact the Council.

What can I do if I am unhappy with the Council's decision to refuse consent or to grant consent subject to conditions?

There is a right of appeal to the Office of the Deputy Prime Minister against a decision by the Council to refuse consent or grant consent subject to conditions. Details on how to make such an appeal are included when decision notices are sent out. If loss or damage is suffered as a consequence of the Council's decision to refuse consent or grant consent subject to conditions, compensation may be payable.

To enquire about whether trees are subject to a Tree Preservation Order or situated in a Conservation Area and for copies of application forms or the Council's list of local tree contractors, contact Planning Administration on 01306 879263 or by fax on 01306 879180.

For other tree related enquiries, contact the Council's Tree Officer, Ron Howe, on 01306 879286 (e-mail ron.howe@molevalley.gov.uk)

The Government has produced a leaflet on protected trees, giving detailed information on tree preservation procedures. Copies of this leaflet are available at the Council Offices.



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June 2004